

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, December 15, 2021

Hearing Room 301

9:30 AM

1: -

Chapter

#0.00 You will not be permitted to be physically present in the courtroom. All appearances for this calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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Password: 224492

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

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Hearing Room 301

9:30 AM

CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, December 15, 2021

Hearing Room 301

9:30 AM

1:21-11061 Mehrdad B Nejad

Chapter 7

#1.00 Motion for relief from stay [RP]

NEWREZ LLC
VS
DEBTOR

fr. 11/10/21

Docket 33

*** VACATED *** REASON: Motion withdrawn 11/23/21 - jc

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Mehrdad B Nejad

Represented By
David S Hagen

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Jennifer C Wong

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, December 15, 2021

Hearing Room 301

9:30 AM

1:21-11684 Francisco Solorio

Chapter 13

#2.00 Motion for relief from stay [UD]

SERGEY POLISHCHUK
VS
DEBTOR

Docket 18

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to obtain possession of the property.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

Deny request for relief under 11 U.S.C. § 362(d)(4). Pursuant to § 362(d)(4), "a creditor whose claim is secured by an interest in [the subject] real property" may move for relief under § 362(d)(4). Here, the movant is the owner of the subject real property. As such, 11 U.S.C. § 362(d)(4) does not apply.

Any other request for relief is denied.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Francisco Solorio

Pro Se

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CONT... Francisco Solorio

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, December 15, 2021

Hearing Room 301

9:30 AM

1:18-11995 Hans Adiatar Oliver

Chapter 13

#3.00 Motion for relief from stay [RP]

HOMEBRIDGE FINANCIAL SERVICES, INC.
VS
DEBTOR

Docket 69

***** VACATED *** REASON: Motion is not in compliance with Local
Bankruptcy Rule 5005-2(d)(1). Motion is OFF CALENDAR.**

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Hans Adiatar Oliver

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, December 15, 2021

Hearing Room 301

9:30 AM

1:19-12658 Dan S Watanabe

Chapter 13

#4.00 Motion for relief from stay [RP]

BANK OF AMERICA, N.A.
VS
DEBTOR

fr. 11/10/21(stip)

Docket 91

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Dan S Watanabe

Represented By
Randolph L Neel

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Jenelle C Arnold

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Judge Victoria Kaufman, Presiding
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Wednesday, December 15, 2021

Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:19-01128 Miller, Chapter 7 Trustee v. Yaspan

#5.00 Pretrial conference re: complaint for breach of fiduciary duty

fr. 1/8/20; 3/4/20; 3/25/20; 5/6/20; 5/20/20; 2/10/21; 6/9/21;
9/15/21

STIP TO DISMISS ADVERSARY PROCEEDING FILED 10/21/21

Docket 1

*** VACATED *** REASON: Order approving stip entered 10/26/21.
[Dkt. #68]

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Lois Adri

Represented By
Nina Z Javan
Daniel J Weintraub
James R Selth

Defendant(s):

Robert Yaspan

Pro Se

Plaintiff(s):

Elissa D Miller, Chapter 7 Trustee

Represented By
Larry W Gabriel

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel

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CONT... Deborah Lois Adri

Chapter 7

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1:30 PM

1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01003 Soleimanian et al v. Khosravizadeh

#6.00 Order to show cause why this adversary proceeding should not be dismissed for failure to prosecute

Docket 10

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Plaintiff(s):

Hamid Soleimanian

Represented By
Sanaz Sarah Bereliani

KAM LP

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Peter J Mastan

**United States Bankruptcy Court
Central District of California
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Judge Victoria Kaufman, Presiding
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Wednesday, December 15, 2021

Hearing Room 301

1:30 PM

1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01003 Soleimanian et al v. Khosravizadeh

#7.00 Pretrial conference re: complaint for non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(A) & 523(a)(6), and for discharge of bankruptcy pursuant to 11 U.S.C. § 727(a)(4)(A) & § 727(a)(3)

fr. 3/24/21; 11/10/21

Docket 1

Tentative Ruling:

At this time, the Court will not dismiss this adversary proceeding, Adv. No. 21-ap-01003, or the related adversary proceeding, Adv. No. 21-ap-01004.

Pursuant to Fed. R. Bankr. P. 7041, a complaint objecting to the debtor's discharge under 11 U.S.C. § 727 shall not be dismissed at the plaintiff's insistence without notice to the chapter 7 trustee, the United States trustee, and such other persons as the court may direct, and only on order of the court containing terms and conditions which the court deems proper. The Court evaluates the proposed settlement of § 727 causes of action in light of such cases as *In re Babb*, 346 B.R. 774 (Bankr. E.D. Tenn. 2006), *In re Levine*, 287 B.R. 683 (Bankr. E.D. Mich. 2002), and *In re Armond*, 240 B.R. 51 (Bankr. C.D. Cal. 1999).

On January 22, 2021, two complaints filed against Mariyan Khosravizadeh ("Defendant") initiated related adversary proceedings: Adv. No. 21-ap-01004 and Adv. No. 21-ap-01003. First, Hamid Soleimanian, an individual, and KAM LP, a California Limited Partnership ("Hamid and KAM LP"), filed the *Complaint for Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A) and § 523(a)(6) and for Discharge of Bankruptcy Pursuant to 11 U.S.C. § 727(a)(4)(A) and § 727(a)(3)* against Defendant, initiating Adv. No. 21-ap-01003 [doc. 1] (the "727 Complaint"). The 727 Complaint seeks relief under 11 U.S.C. §§ 727(a)(4)(a) and (a)(3), and under 11 U.S.C. §§ 523(a)(2)(A) and (a)(6), to declare nondischargeable the debts owed by Defendant to Hamid and KAM LP.

In the second adversary proceeding, Amir Soleimanian, an individual, and Soleiman

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CONT... **Mariyan Khosravizadeh**

Chapter 7

Partners, a California General Partnership ("Amir and Soleiman Partners"), filed the *Complaint for Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A), § 523(a)(4) and § 523(a)(6)* (the "523 Complaint") [doc. 1] against Defendant, initiating Adv. No. 21-ap-01004. The 523 Complaint seeks relief under 11 U.S.C. §§ 523(a)(2)(A), (a)(4) and (a)(6), to declare nondischargeable the debts owed by Defendant to Amir and Soleiman Partners. The 523 Complaint does **not** seek relief under § 727.

On December 13, 2021, the parties in both adversary proceedings filed separate motions containing identical language (except for the titles) and attached the same exhibits: Hamid and KAM LP filed the *Notice of Filing of Motion to Approve Settlement Between Plaintiffs Hamid Soleimani and KAM LP and Defendant Mariyan Khosravizadeh As To 11 U.S.C. § 523(A)(2) And 11 U.S.C. § 523(A)(6) In The Adversary Proceeding* [doc. 15]. On the same day, Amir and Soleiman Partners filed the *Notice of Filing of Motion and Motion to Approve Settlement between Plaintiffs Amir Soleimani and Soleiman Partners, and Defendant Mariyan Khosravizadeh as to 11 § U.S.C. 523(a)(2), 523(a)(4), and 523(a)(6) in the Adversary Proceeding* (the "Motions") [doc. 16].

Exhibit 1, the *Settlement Agreement and Stipulation and Order of Non-Dischargeability of Debt* (the "Proposed Settlement Agreement"), attached to the Motions is signed by all the parties in these adversary proceedings. Under the terms of the Proposed Settlement Agreement, \$1,250,000.00 will be paid to the plaintiffs (allegedly not directly from Defendant) to resolve the 727 Complaint and the 523 Complaint. See Motions, p. 2, ¶¶ 8-11.

The Motions do not address the standards or case law applicable to evaluate the Proposed Settlement Agreement. Although the Motions discuss the §727(a)(4)(A) and (a)(3) causes of action, which is relevant to Hamid and KAM LP's complaint, the parties indicate merely that there is a lack of facts supporting "a solid 727 complaint." Motions, p. 5, ¶¶ 19-25.

The parties have not sufficiently addressed the relevant standards and case law applicable to evaluating the settlement of § 727 causes of action. In addition, the plaintiffs must provide proper notice to creditors regarding their ability to step in and litigate the § 727(a)(4)(A) and (a)(3) causes of action. To date, the plaintiffs have not do so.

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CONT... Mariyan Khosravizadeh

Chapter 7

The parties must provide notice **stating that any creditor who wishes to substitute in and adjudicate the § 727 causes of action against Defendant must file a response that he/she/it will do so, within 15 days after the date that the parties provide that notice.**

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| Party Information |
|--------------------------|

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Pro Se

Plaintiff(s):

Hamid Soleimanian

Represented By
Sanaz Sarah Bereliani

KAM LP

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01004 Soleimanian et al v. Khosravizadeh

#8.00 Order to Show Cause Why This Adversary Proceeding
Should Not Be Dismissed For Failure To Prosecute

Docket 11

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Plaintiff(s):

Amir Soleimanian

Represented By
Sanaz Sarah Bereliani

Soleiman Partners

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Peter J Mastan

**United States Bankruptcy Court
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1:30 PM

1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01004 Soleimanian et al v. Khosravizadeh

#9.00 Pretrial conference re: complaint for non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(a), 523(a)(4) & § 523(a)(6)

fr. 3/24/21; 11/10/21

Docket 1

Tentative Ruling:

See cal. no. 7.

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Pro Se

Plaintiff(s):

Amir Soleimanian

Represented By
Sanaz Sarah Bereliani

Soleiman Partners

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 301

1:30 PM

1:21-10179 Alex Foxman

Chapter 11

Adv#: 1:21-01014 Foxman et al v. Frandsen et al

#10.00 Status conference re: first amended complaint

fr. 6/23/21(stip)

STIP TO CONTINUE FILED 11/10/21

Docket 3

***** VACATED *** REASON: Order approving stip entered 11/16/21.
Hearing continued to 3/16/2022 at 1:30 PM. [Dkt. 12]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alex Foxman

Represented By
Stella A Havkin

Defendant(s):

Russell Frandsen

Pro Se

Christie Frandsen

Pro Se

Andre Berger

Pro Se

Tracy Berger

Pro Se

NATIONAL ACO, LLC, a

Pro Se

NACO MSO, LLC, a California

Pro Se

CCM Tenn, LLC, a Tennessee

Pro Se

NATIONAL CCM, LLC, a

Pro Se

Joint Debtor(s):

Michal J Morey

Represented By
Stella A Havkin

**United States Bankruptcy Court
Central District of California
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Wednesday, December 15, 2021

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1:30 PM

CONT... Alex Foxman

Chapter 11

Plaintiff(s):

Alex Foxman

Represented By
Steven A Morris
Stella A Havkin

Michal J Morey

Represented By
Steven A Morris
Stella A Havkin

Trustee(s):

Susan K Seflin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Wednesday, December 15, 2021

Hearing Room 301

1:30 PM

1:21-10733 Rene Daniel Amaya

Chapter 7

Adv#: 1:21-01049 Echeverry et al v. Amaya

#11.00 Status conference re: complaint for determination of dischargeability pursuant to section 11 U.S.C. § 523(a) of the Bankruptcy Code

fr. 10/13/21; 11/24/21

Docket 1

Tentative Ruling:

Parties should be prepared to discuss the following:

Deadline to complete discovery: 7/15/22.

Deadline to file pretrial motions: 8/1/22.

Deadline to complete and submit pretrial stipulation in accordance with Local Bankruptcy Rule 7016-1: 8/10/22.

Pretrial: 8/24/22 at 1:30 p.m.

In accordance with Local Bankruptcy Rule 7016-1(a)(3), within seven (7) days after this status conference, the plaintiff must submit a Scheduling Order.

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

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| Party Information |
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Debtor(s):

Rene Daniel Amaya

Represented By
Kenumi T Maatafale

**United States Bankruptcy Court
Central District of California
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1:30 PM

CONT... Rene Daniel Amaya

Chapter 7

Defendant(s):

Rene Daniel Amaya

Pro Se

Plaintiff(s):

Alexander Echeverry

Represented By
Danny Ceron

Adriana Echeverry

Represented By
Danny Ceron

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, December 15, 2021

Hearing Room 301

1:30 PM

1:21-11688 Gregory G. Smith, M.D., A Professional Corporation

Chapter 11

Adv#: 1:21-01066 Gregory G. Smith, M.D., A Professional Corporation v. Yambalia et al

- #12.00** Status conference re complaint for:
1. Clawback under section 547
 2. Clawback under section 548
 3. Violation of False Claims Act (Lincoln Law)
 4. Unfair competition
 5. Fraud and deceit
 6. Conversion
 7. Breach of fiduciary duty
 8. Unjust enrichment
 9. Injunctive relief

Docket 1

***** VACATED *** REASON: Related chapter 11 case and adversary proceeding dismissed on 12/13/21**

Tentative Ruling:

- NONE LISTED -

| |
|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Gregory G. Smith, M.D., A

Represented By
Joel Rapaport

Defendant(s):

Carmelita Yambalia

Pro Se

Ashley Smith

Pro Se

Ashley Staffing, Inc.

Pro Se

Glenda Lando

Pro Se

MD Partners IPA

Pro Se

Memory Rehabilitation Medical

Pro Se

Ardent Care Home Health Agency,

Pro Se

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CONT... Gregory G. Smith, M.D., A Professional Corporation Chapter 11

Gregory G. Smith, M.D. Pro Se

Venu Kondle, M.D. Pro Se

Thomas Boyle, M.D. Pro Se

Kuldip Gill, M.D. Pro Se

Rebecca Jordan, M.D. Pro Se

Plaintiff(s):

Gregory G. Smith, M.D., A
Represented By
Joel Rapaport

Trustee(s):

John-Patrick McGinnis Fritz (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 301

2:30 PM

1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01003 Soleimanian et al v. Khosravizadeh

#13.00 Pretrial conference re: complaint for non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(A) & 523(a)(6), and for discharge of bankruptcy pursuant to 11 U.S.C. § 727(a)(4)(A) & § 727(a)(3)

fr. 3/24/21; 11/10/21

Docket 1

*** VACATED *** REASON: Rescheduled for 1:30 PM. [Dkt.12]

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Pro Se

Plaintiff(s):

Hamid Soleimanian

Represented By
Sanaz Sarah Bereliani

KAM LP

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

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1:20-11850 Mariyan Khosravizadeh

Chapter 7

Adv#: 1:21-01004 Soleimanian et al v. Khosravizadeh

#14.00 Pretrial conference re: complaint for non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(a), 523(a)(4) & § 523(a)(6)

fr. 3/24/21; 11/10/21

Docket 1

***** VACATED *** REASON: Rescheduled for 1:30 PM. [Dkt. 13]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mariyan Khosravizadeh

Represented By
Stephen L Burton

Defendant(s):

Mariyan Khosravizadeh

Pro Se

Plaintiff(s):

Amir Soleimanian

Represented By
Sanaz Sarah Bereliani

Soleiman Partners

Represented By
Sanaz Sarah Bereliani

Trustee(s):

David Keith Gottlieb (TR)

Pro Se